



**Western  
Pacific  
Regional  
Fishery  
Management  
Council**

March 12, 2004

Mr. Daniel J. Basta  
Director  
National Marine Sanctuary Program  
1305 East West Highway  
SSMC-4  
Silver Spring, MD 20910

Dear Dan:

I am writing to express my concern regarding the manner in which the NWHI sanctuary designation process is being conducted. Under the National Marine Sanctuaries Act, Magnuson-Stevens Fishery Conservation and Management Act, Administrative Procedures Act, and the National Environmental Policy Act, this should be an open, participatory, and transparent process.

Although the Western Pacific Regional Fishery Management Council (WPRFMC) has a non-voting seat on the RAC and has participated as a member of all RAC subcommittees, we have found that meeting reports fail to include the perspectives that we have expressed (as well as similar perspectives expressed by fishermen and other participants). We have discussed this issue with RAC staff, and raised these concerns at RAC meetings. However this situation has not been rectified.

A recent final report issued by the Sustainable Resources Group (SRG) contained numerous statements indicating that there was "consensus," with no disagreement, that the purpose and goal for the NWHI sanctuary is to maintain "ecological integrity" (defined by the author as to "protect intact and in its natural condition the ecosystem and its biodiversity"). To the contrary, this is far from accurate as we have been careful to speak against the use of terms such as "intact" which imply that one removal would be contrary to sanctuary objectives. We have also consistently highlighted the National Marine Sanctuaries Act's purposes and policies which include, "enhance public awareness, understanding, appreciation, and wise and sustainable use of the marine environment and the natural, historical, cultural and archeological resources of the National Marine Sanctuary System" and to "facilitate to the extent compatible with the primary objective of resource protection, all public and private uses of these marine areas not prohibited pursuant to other authorities." These remarks have been echoed by fishermen and others in attendance at committee and subcommittee meetings.



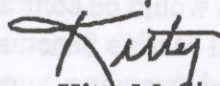
SRG presented a draft of its report at a recent meeting of our Science and Statistical Committee in February 2004. We commented to the presenter and to RAC staff at that meeting that statements indicating consensus were inaccurate, and that all viewpoints should be included for consideration by the public and decision makers. We also asked RAC staff whether statements and viewpoints in the report represent those of the National Ocean Service and were told that they do not. Based on these responses, we also suggested that a disclaimer be included to clarify that the report's contents and conclusions were those of the contractor and do not represent the National Ocean Service. We also suggested that the presenter provide a reference to support his statement that NOAA is now requiring a "shift in burden of proof regarding the effects of fishing." Thus, we are disappointed to see that SRG's final report contains no such disclaimer, that statements concerning consensus among meeting participants remain, and that no additional information on a new policy concerning "burden of proof" is included.

Given that few meeting or subcommittee reports are published, and those that are do not include all perspectives presented, the SRG report represents the record of the sanctuary designation objectives and process. Indeed, even prior to its finalization this report was picked up and reported on by local media.

We have consistently cooperated with requests from the RAC and its staff, attended meetings, and presented our perspectives. We have tried to work with the RAC and its staff to include these perspectives in its reports and other documents. At this point we feel that the process has become distorted and that viewpoints contrary to the majority of RAC members are being suppressed in representations to the public and decision makers. This is clearly contrary to the intent of the above referenced acts and their philosophy of open and transparent processes which thoughtfully include the perspectives of all, not a select few with personal agendas that are antithetical to the sustainable enjoyment and use of our nation's resources. It also leaves the Department of Commerce open to adversarial action by those who feel unrepresented or misrepresented.

In light of the above concerns, we would like to speak with you at your earliest convenience to discuss the NWHI sanctuary designation process. Please contact me at (808) 522-8223 to determine a mutually convenient time. Mahalo!

Sincerely,



Kitty M. Simonds  
Executive Director

cc: Admiral Conrad Lautenbacher  
Allen Tom  
Robert Smith  
Sean Corson  
Samuel Pooley  
Robert Gomes  
Gary Dill